

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 45. An act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The Committee resumed its sitting.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this provides mandatory minimums, which we have frequently said if it had come up in committee we would have a letter ready from the Judicial Conference reminding us that mandatory minimums violate common sense, because if the penalty makes sense, it can be imposed; if it does not make sense, it has to be imposed anyway.

This amendment is unnecessarily confusing and duplicative of current law. It is already a crime punishable by 20 years in prison, or life in prison in some circumstances, to provide material support of any kind to a terrorist organization or to support a person in carrying out terrorist acts regardless of how the money came about, whether it was from drug proceeds or otherwise.

If anyone is engaged in drug trafficking of any significance in order to support terrorism, they can already be charged with both a drug offense and the material support of terrorism.

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This might, unfortunately, bring in some small-time dealer that did not know what he was doing and all of a sudden he is subjected to 20-year mandatory minimums when he was not much of a dealer at all.

This new crime would substantially broaden the Federal death penalty in ways that might actually violate the Constitution. For example, indirect offenses like conspiracy are generally not death eligible, but financing is more analogous to conspiracy than the direct crimes like hijacking, bombing or murder by drug king, which are already death eligible. Drug trafficking and terrorism crimes already carry numerous penalties for the most egregious offenses, so we do not need them anew in this case.

Mr. Chairman, I hope we defeat this amendment. We did not put it into the bill in committee when we would have had an opportunity to ensure it did not conflict with various other provisions of the law or was unnecessarily duplicative.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the distinguished chairman of the Committee on International Relations for yielding me this time and for his continued leadership on narcotics issues as we tackle these questions at the international level.

The preceding speaker said that some of these amounts might be fairly small. Well, in Madrid it probably was fairly small. Spanish authorities have said that the Muslim militant cell exchanged for hashish and cash to fund it. I do not know how much it was. It probably was not a truckload of hashish. It may not have been a big thing, but there are a lot of people dead.

The link between narcotics and terrorism is growing, as the distinguish chairman pointed out; and we have heard the same thing in the drug policy subcommittee, and that is anywhere from slightly below half to slightly over half of the major terrorist organizations in the world are funded by drugs, most likely heroin and hashish, but also cocaine.

As we get better at driving them underground, we are going to see an increase in narcotrafficking and terrorism around the world, as we will see in human trafficking, as well, as we drive this underground.

As far as mandatory minimums, I hope there are mandatory minimums on people funding direct terrorist attacks on the United States. If you are selling drugs, and even inadvertently, and these groups often are hear no evil, see no evil, and they pretend like they are not involved in narcotics trafficking, but as they swap with different cells and work with these cells around the world, I hope they have a mandatory minimum, if they blow up and terrorize America, terrorize London and terrorize Spain. We need stiff penalties.

We need to look for these gaps and these holes so we can go after these groups and break them up. We have had multiple efforts around the world where we see some of these terrorist organizations starting to interact with each other. We need to have conspiracy clauses that enable us, as they start to interconnect from South America, Asia and the Middle Eastern gangs as they swap cocaine for other things and convert and move in the underground market. We need to stay up with how the terrorists are working.

As they start to interconnect, we need laws that can address this, and I commend the chairman from the Committee on International Relations with trying to address this rapidly growing threat in all regions of the world.

I urge this Congress to send a strong message that this needs to be part of the PATRIOT Act as we look at the international efforts and the international connection in the funding of terrorism.

Mr. SCOTT of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, the Hyde amendment recognizes a new reality in a very real danger that is growing: the deadly mix of drug trafficking and terrorism. It has now been estimated that nearly half of the designated foreign terrorist organizations are involved in the trafficking of illegal drugs. That is illegal drugs that end up on the streets of our cities, the cities of our allies, poisoning the fabric of their society and our society.

Terrorists, like old organized crime syndicates from the past, have recognized that illegally drug trafficking is a valuable source of financing and just another way to threaten our country. The evidence linking these two criminal activities is overwhelming. Terrorists in Afghanistan are now infiltrating and controlling the cultivation of poppy and ultimately heroin. The deadly bombings in Spain were financed through drug money. Hezbollah has been linked to drug trafficking from South America to the Middle East; and of course the Revolutionary Armed Forces of Colombia has long-standing drug trafficking operations which fund their deadly activities.

The Hyde amendment simply creates a new Federal crime for the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any other terrorist organization and imposes a stiff mandatory minimum penalty of 20 years. It is a serious crime and one that needs to be stopped, and this amendment would do the job.

I would say that those who have some question about mandatory minimum penalties, this is hardly the place to object to them. This is really seriously two crimes: the one of drug trafficking connected with terrorism. It seems to me this would be precisely the place we would support mandatory minimum penalties.

I think we should be thanking the gentleman from Illinois (Mr. HYDE) for bringing this to our attention. Let us remember that since most of the Afghan heroin goes to Europe and not here to the United States, our Justice Department and hard-pressed DEA are very limited in going after the drug dealers and drug lords who facilitate terrorism directed at our troops. They need some nexus to the drugs coming to the USA.

Please join me in supporting the Hyde amendment. It makes sense. Yes, it is tough; but we need to be tough in this circumstance.